

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:08CV198-DCK**

LEAH BURGIN and BOBBY BURGIN,)
Individually and as Co-Ancillary Administrator)
of the Estate of JAYCEE BURGIN, a deceased)
minor, and BOBBY BURGIN, Individually)
and as Co-Ancillary Administrator of the)
Estate of JAYCEE BURGIN, a deceased)
minor,)

Plaintiffs)

v.)

SAGEBRUSH OF NORTH CAROLINA,)
LLC, SAGEBRUSH/TENNESSEE, LLC,)
SAGEBRUSH STEAKHOUSE,)
CAROUSEL CAPITAL PARTNERS,)
L.P. and HOLTEN MEAT, INC.)

Defendants)

ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte* regarding the status of the case.

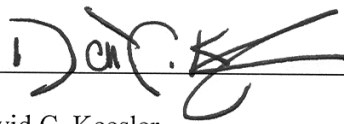
The undersigned conducted a telephone conference with counsel for the parties on Thursday, September 17, 2009 to discuss the status of discovery, the numerous pending motions, settlement efforts, and the possible trial of the case.

Based on the telephone conference and the Court's review of the procedural course of the case to date, the undersigned concludes that a judicial settlement conference is appropriate and might be helpful in resolving the case short of a trial. In its discretion, the Court will therefore order that a judicial settlement conference be held. The judicial settlement conference shall be conducted by United States Magistrate Judge Dennis L. Howell and his staff at a date and time convenient to Judge Howell. The parties are directed to contact the chambers of Judge Howell in Asheville, North Carolina by no later than **Thursday, October 1, 2009** to arrange a date for the conference.

In light of the judicial settlement conference to be held in the case, and to provide the Court an opportunity to carefully consider the many pending motions recently filed by the parties, the Court on its own motion will continue the trial date. The trial in the case will be continued to the Court's **February 16, 2010** term.

SO ORDERED.

Signed: September 24, 2009



David C. Keesler
United States Magistrate Judge

